

24 May 1822.



(Ireland.)

A

B I L L

To amend an Act passed in the first and second years of His
MAJESTY's reign, for the Relief of Insolvent Debtors
in Ireland.

*Note.—The Figures in the Margin denote the number of the Folios
in the written Copy.*

1 **W**H¹HERETO an Act was passed in the first and second years
of His present Majesty's reign, for the Relief of Insolvent
Debtors in Ireland, whereby provision was made for the appointment
of Commissioners to preside in a Court of Record in Ireland, to be
called the Court for Relief of Insolvent Debtors, and it was thereby
enacted that such Commissioners should have power, under the re-
strictions therein contained, to appoint the officers therein mentioned
or described, with salaries not to exceed in the whole the sum of Two
hundred pounds per annum, as therein mentioned.

*Provide
1 & 2 Geo. 4,
c.*

2 And whereas such Commissioners have been accordingly ap-
pointed, and divers officers have been duly appointed by them, and
from the quantity and importance of the business to be done by the
officers of such Court, the number of persons necessary for the proper
discharge thereof, and the station in life from which the persons must
be taken to whom such business could with propriety be entrusted, it
has been found that the said sum of Two hundred pounds is quite in-
sufficient to afford suitable salaries for the officers of the said Court :

*Fund for
payment of
Officers
insufficient.*

BE it therefore Enacted, by The KING's Most Excellent MAJESTY,
by and with the Advice and Consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Parliament assembled, and by
the Authority of the same, THAT so much of the said Act as limits
the said salaries to the sum of Two hundred pounds per annum shall

363.

A

be

Further Sum
to be allowed.

be and the same is hereby repealed, and that in lieu thereof the sum of _____ by the year shall be, and be deemed, taken and considered as the limit which the salaries of the several officers of the said Court so appointed or to be appointed as aforesaid shall not exceed, and that such salaries not exceeding in the whole the said last-mentioned sum of _____ by the year, shall be paid and payable out of _____ in the manner by the said Act provided in that behalf, and as if the said sum of _____ had been mentioned in the said Act as the limit of the amount of the said salaries.

For the erection of a
Court House
in Dublin.

AND whereas no provision is made in the said Act for procuring in the city of *Dublin* a Court-house for the said Court, and proper and sufficient offices and accommodations for the business of the said Court, and for the safe keeping of the records thereof, and it is necessary to make provision in that behalf; BE it therefore enacted, That it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, to order that now and at all other times when he or they shall think proper or necessary, a suitable and sufficient Court-house with suitable and sufficient offices for the purposes aforesaid respectively, shall be provided and maintained in good and sufficient order and repair, and that for that purpose such ground or grounds with or without any building thereon respectively, shall be purchased or taken at a rent or rents, and such new or additional or other buildings shall be erected thereon, and such repairs, alterations and additions shall be made therein respectively, and in all cases according to such plans, estimates and contracts as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being, shall direct.

Managers to
be appointed
for the super-
intendence
of Works.

And be it Enacted, That it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, to appoint such persons, not being less than _____ not more than _____ to be managers, for the purpose of purchasing or taking a lease or leases of such ground or grounds, and of contracting for, superintending and causing to be executed all such buildings, repairs, alterations and additions as aforesaid; and that such managers, or any _____ of them, shall have all and every the same powers and authorities from time to time for summoning Juries or causing the same to be summoned, impanelled and sworn, and in the same manner in all respects, and for causing such ground or grounds to be valued respectively, and the same rules shall be applicable thereto, and all the same proceedings shall and may be taken thereon for the complete and perfect purchase thereof respectively, and for apportioning or distributing the purchase money, and for paying the same to the person or persons entitled, as is or are required,

required, directed, authorized or given to any person or persons in or by any Act or Acts of Parliament now in force for the purchase of any ground for the making or erecting of any county Court-house.

And be it Enacted, That all and every sum and sums of money which shall from time to time be required and be necessary for any such purchase, building, alteration, addition or repairs, or for the payment of any such rent as aforesaid, shall from time to time be paid out of
 by or under the orders and directions of the Lord Lieutenant, or other Chief Governor or Governors of Ireland.

How expenses may be provided for.

5 AND whereas, in and by the said recited Act, it is provided, that the said Court in *Dublin* shall not at any time be adjourned for any longer time than one week; and it is thereby also provided, that while one of the said Commissioners shall be making and attending in such circuit as therein mentioned, the other of the said Commissioners shall be attendant and presiding in the said Court in *Dublin*, and it may sometimes be highly expedient that both the said Commissioners should be absent from *Dublin* in different cities, towns or places at the same time; BE it therefore Enacted, That on any particular occasion, when the said Commissioners, or either of them, shall be of opinion that it would be expedient that both the said Commissioners should be absent from *Dublin* in different places at the same time, it shall and may be lawful to and for such Commissioners or Commissioner to state such opinion, together with the grounds and reasons thereof in writing, to the chief secretary or under secretary for the information of the Lord Lieutenant, or other Chief Governor or Governors of Ireland for the time being, and thereupon if such Lord Lieutenant, or other Chief Governor or Governors of Ireland, shall approve thereof, and the same shall be notified in writing to such Commissioners or Commissioner by such chief or under secretary, it shall and may be lawful to and for such Commissioners to be both absent from *Dublin* at the same time, in such places respectively as shall be so mentioned and allowed, and for that purpose to adjourn the said Court in *Dublin* for such time as shall be permitted in and by such notification; any thing in the said Act to the contrary notwithstanding.

Allowing the absence of both Commissioners from the Court in Dublin in certain cases.

6 AND whereas, in and by the said recited Act, it was provided, that it should be lawful for any prisoner in actual custody, as therein mentioned, at any time within fourteen days next after the commencement of such actual custody, or next after such prisoner should have been removed to the Marshalsea, or within such further time as such Court should think reasonable, to petition the said Court for his or her discharge, as therein mentioned, and it is not reasonable, and is found inconvenient in practice, that the time of so petitioning should in any

Repealing the clause of said Act as relates to time allowed for Prisoners to petition the Court, and making other provisions thereon.

degrees depend on the removal of such prisoner to the Marshalsea, more especially as in case of any particular hardships the Court has power to afford relief; BE it therefore Enacted, That so much of the said recited Act as permits any such prisoner to present such petition for his or her discharge, within fourteen days after his or her removal to the Marshalsea, be and the same is hereby repealed; and that from and after the commencement of this Act, no petition shall be permitted after _____ days from the commencement of the actual custody, save under the special order of the said Court for permitting the same as aforesaid.

Officers of Court may administer oaths.

And be it Enacted, That on the taxation of costs in the said Court, the proper officer in that behalf, and in every matter of enquiry duly referred by the said Court to any officer or officers thereof, any such officer shall have full power to administer oaths, and to examine all persons concerned, or who shall come or be produced before him on oath concerning the matter of such taxation or enquiry respectively; and it shall and may be lawful to and for such Court to order and enforce the attendance of witnesses, and production of books, papers, documents and vouchers before such officer on such taxation and enquiries respectively, in the same manner in all respects as such Court could or might order or enforce the same on any enquiry or trial before the said Court.

To prevent delay by the attendance of one Commissioner on the day appointed under last Act.

AND whereas, in and by the said recited Act, it is provided, that on the day appointed by the said Court in manner in the said order mentioned, any one Commissioner of the said Court might and should attend at the Court-house in such assize town, and proceed to the dispatch of business in manner therein mentioned: AND whereas it may from various causes happen, that one of the said Commissioners proceeding or intending to proceed to such assize town may be prevented from arriving there on the day so appointed, and it is expedient that the business of the said Court should not be thereby unnecessarily delayed; BE it Enacted, That if, upon the day appointed for the arrival of any such Commissioner, such Commissioner shall not have arrived, or shall not attend at such Court-house, then and in every such case the said Court shall be considered as adjourned to the ensuing day, (which shall not be a Sunday,) and so on from day to day until the arrival of one of the said Commissioners; and that all persons summoned or bound, or having occasion to attend the said Court, shall thereupon be bound to attend the same according to every such adjournment in the same manner in all respects as if such Commissioner had regularly sat, and so adjourned the same; and that any such Commissioner who shall so arrive, shall proceed to sit and dispatch the business of the said Court in the same manner in all respects as if he had duly and regularly sat, and had been occupied by other business thereof,

thereof, and had himself made such adjournments of the said Court; any thing in the said Act contained to the contrary notwithstanding.

Provided however, and be it Enacted, That every such Commissioner who shall not arrive at any such assize town on the day so appointed by the said Court in that behalf as aforesaid, shall at such next subsequent day or time as he shall so arrive thereat, state in writing the reason or cause which prevented him from so arriving, and shall send the same forthwith by His Majesty's post, subscribed by himself, to the chief secretary, or in his absence to the under secretary at *Dublin Castle*, to be laid before the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, or before either Houses of Parliament when called for.

The non-attendance of the Commissioner on the day appointed, shall be accounted for to Government.

AND whereas, in and by the said Act, it is provided, That all affidavits to be used before the said Court, or any Commissioner thereof, shall and may be sworn before some one of the Courts or persons therein named in that behalf, and great mischief has, in many instances, been found to arise from the difficulty and expense to persons not residing in *Dublin*, having their affidavits hereinafter specified taken exclusively by the persons so named in that behalf; BE it Enacted, That any affidavit to be used before the said Court, may be made before some one of the Courts or persons therein named, and also before any Inspector of any county gaol in *Ireland*, or any Justice of the peace in his proper jurisdiction, or any Commissioner appointed by the said Court, for the purpose of taking affidavits, or in *England* or *Scotland*, before a Magistrate of the county, division, city, town or place, where the said affidavit shall be sworn, or any Commissioner of the Court for Relief of Insolvent Debtors in *England*, or any officer of the said Court in *England*, authorized to take affidavits in the said Court in *England*, and the said persons are hereby authorized and required to administer the same accordingly; and that every such affidavit so made, shall and may be filed read and used in the said Court, and for all the purposes of the evidence, as fully and effectually, and the same respectively shall be of the same force validity and effect, as if the same had been duly made before any of the persons in the said Act mentioned in that behalf.

Allowing affidavits to be made before the persons then named in said Act.

And be it Enacted, That no fee whatever shall be taken or received by any Court officer or person whatsoever, for or in respect of the swearing of any such affidavit of the service of any such notice.

No fee to be taken for such affidavits.

10 And be it further Enacted, That it shall and may be lawful for the provisional assignee, or any officer of the said Court, or other person or persons appointed for that purpose, if the said Court shall so order, to take possession of all the real and personal estate and effects of

Provisional Assignee to take possession of Estate, &c. conveyed to him;

every such prisoner as shall subscribe such petition, and execute such conveyance and assignment as in the said recited Act mentioned, and for that purpose, it shall and may be lawful for the said provisional assignee, or any officer of the said Court, or other person or persons deputed or appointed by the said Court in that behalf, if the said Court shall so order, to break open the house or houses, chambers, shops, warehouses, doors, drawers, trunks and chests of the said prisoner, where any of the said prisoner's goods money or estate shall be, or shall be reputed to be, and to seize upon and order the goods, chattels, ready money and other estate of such prisoner, and to sell or otherwise dispose of such goods chattels and personal estate, or any part thereof; and if the Court shall so order, of the real estate of such prisoner according to the provisions of the said recited Act, for the purposes of the said recited Act, and out of the proceeds of such real or personal estate, to defray, in the first place, all such costs and expenses of taking possession of or seizing and selling the same, as shall be allowed by the said Court; and all and every the real or personal estate money and effects, vested in or possessed by such provisional assignee by virtue of the said recited Act, or this Act, shall not remain in him, if he shall resign or be removed from his office, or in his heirs executors or administrators, or in case of his death, but shall, in every such case, go to and be vested in his successor in office.

and out of the proceeds to pay the expenses of taking possession.

All Property vested in him shall go to his Successor.

Provisional Assignee to sue in his own name.

All his Acts done before default of Petition shall be valid.

Court may proceed where detaining Creditor, after filing Schedule, has discharged the Prisoner, as if he remained in Custody.

And be it further Enacted, That it shall be lawful for the provisional assignee to sue in his own name, for the recovery obtaining and enforcing of any estate, debts, effects or rights of any such prisoner; and in case of the dismission of the petition of any such prisoner praying for his discharge, which the said Court is hereby empowered to dismiss, whenever it shall seem fit, all the acts done before such dismission by the said provisional assignee, or other persons acting under his authority, shall be good and valid.

And be it further Enacted, That where a prisoner in actual custody has filed his petition and schedule, and shall have proved without delay to give the notices required under the said recited Act or this Act, and his detaining creditor or creditors shall thereafter, without his consent, cause such prisoner to be discharged out of custody, it shall and may be lawful for the said Court to proceed in the matter of the said prisoner's petition at the request of such prisoner, upon such prisoner surrendering himself into the custody of the keeper of the prison from whence he was discharged as aforesaid, or his deputy, at the hearing of the matter of the said petition, and to discharge him in the same manner as if such prisoner remained and was in custody to the time of such discharge; or if it shall appear to the Court that such prisoner was entitled to the benefit of the said recited Act, and

ought

- 12 ought not to be discharged forthwith, but at a period not exceeding six months as therein mentioned, or that he ought to receive or be entitled to any benefit or protection under the said recited Act, until he should have been in custody at the suit of some one or more of his creditors, for a period or periods not exceeding the respective periods therein mentioned, it shall and may be lawful for the said Court to order accordingly, and to remand the said prisoner to the prison from which he had been so discharged, to be detained therein according to such order, in the same manner as if such prisoner had been in custody to the time of the making of such order.

- AND whereas it is Enacted by the said recited Act, that when the said Court shall adjudge any prisoner to be entitled to his discharge, such Court shall appoint a proper person or persons to be assignee or assignees of the estate and effects of such prisoner for the purposes of the said recited Act; IT is hereby further Declared and Enacted, That it shall and may be lawful for the said Court, as often as it shall see cause, for the better preserving and securing the property of any prisoner, to appoint at any time after the filing of such prisoner's petition, and before the said Court shall adjudge him entitled to his discharge, as well as after such adjudication, one or more assignees of the estate and effects of such prisoner for the purposes aforesaid; and when such last mentioned assignee or assignees shall have signified to the said Court his or their acceptance of the last mentioned appointment,
- 13 every such prisoner's estate, effects, rights and powers vested in such provisional assignee, shall immediately be assigned by such provisional assignee to such last mentioned assignee or assignees in trust, for the benefit of such last mentioned assignee or assignees, and the rest of the creditors of every such prisoner, in respect of or in proportion to their respective debts, according to the provisions of the said recited Act; and the assignee or assignees of every such prisoner, at any time appointed, shall be and is and are hereby empowered to use and exercise all the powers, authorities, rights and duties, and shall be subject to all the duties liabilities and punishments given or ordained by this or the said recited Act with respect to the provisional or other assignee or assignees of any prisoner; and in all cases after assignment by the provisional assignee, all the estate and effects of every such prisoner shall be to all intents and purposes, as effectually and legally vested by relation in all and every such assignee or assignees, as if the first assignment had been made by such prisoner to him or them; but no Act done under or by virtue of such first assignment shall be thereby rendered void or defeated, but shall remain as valid as if no such relation had taken place.

AND for the better payment of debts and discouraging men from becoming insolvent, BE it further Enacted, That upon and by the enrolment

Court may appoint an Assignee at any time after filing Petition.

Power to all Assignees to exercise the Powers given to Provisional Assignee.

Assignment to Assignee, to vest by relation from time of first Assignment.

Enrolment of Prisoner is entitled. Entries may be entered.

enrolment of the conveyance and assignment executed by every such prisoner, in pursuance of the said recited Act, at the time of subscribing his petition, within six months after the execution thereof, in some one of His Majesty's Courts of Record at Dublin, shall be granted, bargained, sold, and conveyed, all manors, lands, tenements and hereditaments, whereof any such prisoner is or shall be in any ways seised of any estate in tail, in possession reversion or remainder, and whereof no reversion or remainder is or shall be in the King's Majesty, his heirs or successors of the gift or provision of His Majesty, his progenitors, his heirs or successors, to any person or persons for the relief and benefit of the creditors of every such prisoner; and that such conveyance and assignment so enrolled shall be good and available in the law to such person or persons, and their heirs, against the prisoner, and against all and every the issues of the body of such prisoner, and against all and every person and persons claiming any estate, right, title or interest by from or under such prisoner after such time as such prisoner shall have subscribed his petition as aforesaid, and against all and every other person whatsoever whom the said prisoner, by common recoveries or other ways or means, might cut off or debar from any remainder, reversion, rent, title, or possibility into or out of any of the said manors, lands, tenements or hereditaments.

The Court shall have power to examine Debts, whether stated admitted or disputed as the Schedule.

And be it further Enacted, That the said Court shall have the same power to examine into all debts in the prisoner's schedule, whether the same shall be therein stated to be admitted or disputed, or to be admitted in part and disputed in part, as is enacted by the said recited Act as to the debts stated to be admitted therein.

The Court may order expenses of witnesses to be paid out of the first proceeds.

And be it further Enacted, That where it shall have been referred to an officer of the said Court, by virtue of the said recited Act, to investigate the accounts of any prisoner and to examine into the truth of the schedule of such prisoner, or the matters thereof, it shall be lawful for the said Court, if it shall see cause, to order all expenses thereof paid by any creditor or creditors to be repaid to him or them out of the first money received by the provisional or other assignee or assignees of such prisoner, from or by his estate or effects.

The Court may discharge whether the Prisoner is unpaid or not;

And be it further Declared and Enacted, That the said Court shall have power and authority, where it shall be satisfied with the schedule of any prisoner, and that such prisoner is entitled to the benefit of the said recited Act, so to declare, whether such prisoner shall have or shall not have been opposed, and to order thereupon as in the said Act is mentioned, and shall, in its orders, specify the several debts to which such discharge shall apply; and that all orders heretofore made for these several purposes, shall be and are hereby declared to be valid and effectual, to all intents and purposes whatsoever.

and the orders herein so made shall be valid.

And

- And be it further Enacted, That in all cases where the said Court shall order any prisoner to be discharged from custody, so soon as such prisoner shall have been in custody, at the suit of one or more of the persons who were creditors at the time of petitioning, or who have since become creditors in respect of debts then growing due for such period or periods, not exceeding months in the whole, as the said Court shall direct, to be computed from the time of filing his petition; or where the said Court shall order that any prisoner shall not be discharged out of custody, by virtue of the said recited Act, or receive or be entitled to any protection under the same, until he shall have been in custody, at the suit of some one or more of the persons who were creditors at the time of his petitioning the said Court, or had since become creditors in respect of debts then growing due, and from whose claims he shall be discharged by the judgment of the said Court, for such period or periods not exceeding years in the whole, as such Court shall direct, to be computed from the filing of such prisoner's petition to the said Court; or where the said Court shall order that any prisoner shall not be discharged out of custody by virtue of the said recited Act, or be entitled to any benefit or protection under the same, as to any debt so contracted, or as to any damages so incurred, or as to any debt for recovering of which he shall so have occasioned unnecessary expense as in the said recited Act in that behalf is mentioned, until he shall have been in custody at the suit of the creditor or creditors, whose debts shall have been so contracted, or damages so incurred, or who shall have been so put to expense, for such period or periods, not exceeding years in the whole, as the said Court shall direct to be computed as aforesaid; every such prisoner, by virtue of the order made by the said Court, in any such case, upon the delivery thereof to the keeper of the prison in which the prisoner therein named shall then be in custody, or to his deputy, shall be detained in custody at the suit of such creditor or creditors, as shall be for that purpose named therein, for the debt or debts or damages in such order mentioned for a time not exceeding the period therein specified, without any other process or proceeding against such prisoner being issued or had; or in case of any suit having been commenced against him, then without any further proceeding in any court of law or equity, in respect of such prisoner; nor shall he be superseded or superseded during such period; and every such keeper of such prisoner shall detain the said prisoner accordingly, for which such order shall be his sufficient authority and warrant: Provided always, That the keeper of any prison shall not be further liable for the escape of any such prisoner during any such period, than if such prisoner had been in custody by mere process, unless he had been actually charged in execution before the making of the said order.

By order for a Prisoner's removal and detention under these provisions, he shall be charged in execution at the suit of the Creditors named therein for the period therein mentioned;

but the Keeper or not to be further liable for an escape, than if such Prisoner had been in custody by mere Process unless

Court may order a Prisoner to be confined within the Walls.

And be it further Enacted, That in all the cases last aforesaid, the said Court may, if it shall see cause, order any prisoner to be confined during any such period within the walls of such prison, and not within any rules or liberties thereof.

In case of collective Arrest in Dublin, of Prisoner residing in any other County, Affidavits may be cited in opposition.

And be it further Enacted, That where it shall appear to the satisfaction of the said Court, that any prisoner in actual custody, or arrested within the county of *Dublin*, or county of the city of *Dublin*, had at or immediately before such arrest, his usual place of abode in some other county or place, and had been arrested in the said county of *Dublin*, or county of the city of *Dublin*, it shall and may be lawful for the said Court to receive affidavits of any creditor or creditors, or of any other person or persons not resident within the said county of *Dublin*, or county of the city of *Dublin*, in opposition to the discharge of such prisoner under the said recited Act; and if the said Court shall think fit to permit interrogatories to be filed for the examination or cross examination of any person making or joining in such affidavit, and also to stay the discharge of every such prisoner, until such interrogatories shall be fully answered to the satisfaction of the said Court.

Court may cause Insolvent to be apprehended and remanded into custody in return for his failure to appear before Court or before the returning.

AND whereas by the said recited Act, the said Court is authorized in certain cases, upon the application of any creditor of a prisoner, to direct such prisoner, after his discharge, to be brought again before them, and upon due notice to be given by such creditor, to rehear the matter, and make such further order as to them shall seem fit, in execution of the powers in the said recited Act contained; BE it further Enacted, That where, in any such case the insolvent, after his discharge, shall refuse or neglect to appear before the said Court on the day and at the time specified in any rule of the said Court, a copy whereof shall have been duly served on such Insolvent, it shall and may be lawful for the said Court to order the said insolvent to be apprehended, and remanded into custody in such prison as the said Court shall direct, and to issue their warrant accordingly, and to cause him to be brought up for examination as often as to the said Court shall seem fit.

Court may rehear and revoke their Adjudication and order where Insolvent has been remanded for a period.

And be it further Enacted, That if any prisoner shall have been adjudged and ordered by the Court to be discharged from custody after a certain period, or not to be discharged out of custody, or receive or be entitled to any protection under the said recited Act, until he shall have been in custody at the suit of certain creditor or creditors in such order named, for a certain period therein mentioned, and the said Court shall see good and sufficient cause to believe that such adjudication or order has been obtained on false evidence, or otherwise fraudulently obtained or improperly made, it shall and may be lawful
for

For the said Court to direct such prisoner to be brought again before them, and upon due notice to be given to the creditor or creditors named in the said order, to re-hear the said matter, and set aside the said adjudication and order, if they shall see cause, and to make such further order as to them shall seem fit, in execution of the powers in the said recited Act contained.

And be it further Enacted, That every person who shall have been once discharged under any Act for the Relief of Insolvent Debtors, and shall petition again within years after such discharge, for his or her discharge from confinement, according to the provisions of the said recited Act or this Act, shall state therein the time and place of his or her former discharge, and that such person has since his or her former discharge endeavoured by industry and frugality to pay all just demands upon him or her, and has incurred no unnecessary expense, and that the debts which such person has incurred subsequent to such former discharge, have been necessarily incurred for the maintenance of such person, or his or her family, or that the insolvency of such person has arisen from misfortune or from inability to acquire subsistence for himself or herself, or his or her family, or such and so much thereof as shall or may be applicable to the case of every such person.

And be it further Enacted, That in every case where a prisoner shall be or become of unsound mind, and proceedings shall be had under the said recited Act, for the discharge of such prisoner by the said Court, all and every estate, right, title, interest in law and equity, real and personal, from benefit and emolument whatsoever, which, if such prisoner were of sound mind, could or ought to be assigned by such prisoner, pursuant to the provisions of the said recited Act or this Act, shall by force and virtue of the order for the discharge of such prisoner, be vested in the provisional assignee of the said Court, or in other assignee or assignees appointed by the said Court, and named in the said order, as fully and effectually, and in the same manner and with all and every the same consequences and effects both in fact and law, to all intents and purposes whatsoever, as if such prisoner had been of sound mind, and had duly conveyed the same to such provisional assignee, at the time and in the manner in the said recited Act provided; and every assignment hitherto made in such case by the said Court, is and shall be good and effectual to all intents and purposes; and that it shall be lawful for the said Court to order judgment to be entered up against such prisoner, in the same manner as if he or she had been of sound mind, and had executed a warrant of attorney to authorize the entering up of such judgment, in the manner by the said recited Act provided.

To state whether Discharge, and Reasons for applying right to Petition.

All Estates, &c. of Insolvent Persons vested in his Discharge in Provisional or other Assignees.

Assignment hitherto made shall be good. Court may order judgment to be entered up.

After Assignment avoided by Commission of Bankruptcy, no Action to be brought except to recover Property.

And be it further Enacted, That when any assignment shall be avoided by a commission of bankrupt being issued against any prisoner, no action or suit shall be commenced for any thing done under or by virtue of the said assignment, except to recover any property, estate, money or effects of the said bankrupt, detained after demand thereof.

Court may issue warrants, and apply the Profits towards expence of the Court.

AND whereas it may happen, that money may remain in the said Court, produced by the estate and effects of Insolvent Debtors, who have taken the benefit of the said recited Act, or some other Act for the Relief of Insolvent Debtors, which has not been, or may not be claimed by the assignees or creditors of such insolvent; BE it further Enacted, That it shall and may be lawful for the said Court to cause the same, or any part thereof, to be invested in government securities, and to apply the interest and profit arising therefrom, towards defraying the expenses of the said Court.

In all Rules, &c. it shall be sufficient to set out the substance without setting out the other Proceedings.

And be it further Enacted, That in all rules, orders, warrants and other proceedings of the said Court, under the said recited Act or this Act, or any Act for the Relief of Insolvent Debtors, it shall be sufficient to set forth such rule, order or warrant, or in case of a warrant for the apprehension or detention of any person for a contempt in disobeying any order or rule of the said Court, or for the apprehension or detention of any person for the appearance of such person before the said Court, or for the enforcing any rule or order of the said Court, it shall be sufficient to set forth such rule or order, and the warrant thereon, and that the insolvent in any order, rule, warrant or other proceeding mentioned has been duly discharged under the said recited Act or this Act, or some other Act for the Relief of Insolvent Debtors, if he has been discharged, or if he has not been discharged, that the prisoner has applied by petition to the said Court for his or her discharge from confinement, according to the provisions of the said Acts, without setting forth in any such order, rule, warrant or other proceeding, the petition, conveyance or assignment to the provisional assignee, appointment of assignee or assignees, or any assignment whatever, or the schedule, balance sheet, order for hearing, adjudication, order for discharge, or any other rule, order or proceeding of or in the said Court, or any part thereof, except as aforesaid.

In an Indictment, &c. for obtaining, &c. Property from Schedule, or aiding therein, it shall be sufficient to set out the substance of the Offence charged.

And be it further Enacted, That in every information or indictment against any person for having, with intent to defraud his creditors, wilfully and fraudulently omitted in his schedule, as finally amended and filed in the said Court, at the time of the order for his discharge from actual custody, any effects or property whatsoever, or retained or excepted out of the schedule, as wearing apparel, bedding, working tools

149
tools and implements, and other necessities, more in value than

or against any person for aiding and assisting him to do the same, it shall be sufficient to set forth the substance of the offence charged on the defendant, without setting forth the petition, or conveyance, or assignment to the provisional assignee, appointment of assignee or assignees, or any assignment whatever, or balance sheet, order for 26 hearing, adjudication, order for discharge or remand, or any warrant, rule, order or proceeding of or in the said Court, except so much of his schedule as may be necessary for that purpose.

And be it further Enacted, That this Act may be altered or repealed by any Act or Acts to be passed in this present Session of Parliament.

3 Geo. IV.—Sess. 1822.

(Ireland.)

A

B I L L

To amend an Act passed in the first and second years of His Majesty's reign, for the Relief of Insolvent Debtors in Ireland.

Enacted, by The House of Commons, on the 5th May 1822.

54 May 1822.